



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/538,162 | 06/13/2006 | Danny A. Grant | IMMR-152C (034701-514) | 3271 |
| 60140 | 7590 | 03/11/2008 | EXAMINER | |
| IMMERSION -THELEN REID BROWN RAYSMAN & STEINER LLP P.O. BOX 640640 SAN JOSE, CA 95164-0640 | | | SORRELL, ERON J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2182 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 03/11/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/538,162 | Applicant(s) GRANT ET AL. | |
| | Examiner ERON J. SORRELL | Art Unit 2182 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/11/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner's Remarks

1. Applicant's amendment to claim 8 is sufficient to overcome the 35 USC 101 rejection of claims 8-14 in the previous office action. Applicant's cancellation of claims 15 and 16 renders the 35 USC 101 rejection of those claims in the previous office action.

Response to Arguments

2. Applicant's arguments with respect to claims 1,8, and 17 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments with respect to claims 5,12, and 24 have been fully considered but they are not persuasive. The applicant alleges that modifying the teachings of Ballard with the teachings of Bell would render Ballards invention "inoperable for its intended purpose" (see paragraph bridging pages 8 and 9 of applicant's remarks). To support this allegation, the applicant argues that Ballard teaches the user should be able to quickly enter, transmit, and view text messages and these haptic effects are not viewable.

Art Unit: 2181

4. The Examiner disagrees. The haptic effects could be used as a supplement to the text messaging features disclosed by the applicant and the addition of the haptic effects would in no way destroy the invention of Ballard. For example, the haptic effect could be activated when a new text message arrives.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,2,8,9, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois et al. (U.S. Patent No. 6,359,550 hereinafter "Brisebois") in view of Kaaresoja et al. (U.S. Patent No. 6,963,762 hereinafter "Kaaresoja").

7. Referring to method claim 1, computer-readable medium claim 8, and apparatus claim 17, Brisebois teaches an apparatus, method, and computer-readable medium, the apparatus (figure 5) comprising:

a processor (item 30, figure 5);
an actuator in communication with the processor (item 40, figure 5); and

a memory in communication with the processor (item 32, figure 5), the memory storing program code executable by the processor, including:

program code for receiving an input signal (see input signal 34, and paragraph bridging columns 5 and 6);

program code for extracting a haptic code from the input signal, the haptic code being associated with a haptic logo (see paragraph bridging columns 5 and 6); and

program code for providing a control signal to the actuator, the control signal being based at least in part on the haptic code and configured to cause the actuator to output a haptic effect associated with the haptic logo (see paragraph bridging columns 5 and 6, note a code is extracted from the input signal, this code is then correlated with to a haptic pattern representing a status which is output in a designated pattern).

Brisebois fails to teach the haptic logo providing information identifying an originator of the input signal.

Kaaresoja teaches, in a portable device with haptic effects, the above limitation (see lines 54-67 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Brisebois with the above teachings of Kaaresoja in order to enrich the communication experience as suggested by Kaaresoja (see lines 31-34 of column 3).

8. Referring to method claim 2, computer-readable medium claim 9, and apparatus claim 20, Brisebois teaches the haptic logo is associated with a status event (see lines 21-58 of column 6, note each status event has a separate logo or pattern).

9. Referring to method claim 4, computer-readable medium claim 11, Brisebois teaches the effect is output to a handheld communication device (see lines 9-13 of column 4).

10. Referring to claim 18, Brisebois teaches the actuator is coupled to a handheld communication device (see lines 9-13 of column 4).

11. Referring to claim 19, Brisebois teaches (the handheld communication device includes at least one of a cellular phone, a satellite phone, a cordless phone, a personal digital assistant, a pager, a two-way radio, a portable computer, a game

Art Unit: 2181

console controller, a personal gaming device, and an MP3 player (see lines 13-23 of column 4, wherein Brisebois teaches the device can be integrated into a personal communication device).

12. Claims 5-7, 12-14, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard (U.S. Patent No. 6,727,916) in view of Wies et al. (WO 02/03172 A2 hereinafter "Wies").

13. Referring to method claim 5, computer-readable medium claim 12, and apparatus claim 24, Ballard teaches a method and apparatus (figure 2), the apparatus comprising:

- a processor (item 32, figure 2);

- a display module in communication with the processor (item 34 figure 2); and

- a memory in communication with the processor (see item 28, figure 2), the memory storing program code executable by the processor, including:

- program code for receiving an input signal associated with a chat message and for causing a graphical representation associated with the chat message to be displayed on the display module (see line 57 of column 7 to line 23 of column 8);

Ballard fails to teach an actuator in communication with the processor; program code for outputting a control signal to the actuator, the control signal configured to cause the actuator to output a haptic effect associated with the chat message.

Wies teaches, a chat system, wherein the system comprises an actuator (item 30, figure 1) in communication with a processor (item 26, figure 1); and a memory storing program code for outputting a control signal to the actuator, the control signal configured to cause the actuator to output a haptic effect associated with a chat message (see lines 13-20 of column 8).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method and apparatus of Ballard with the above teachings of Wies. One of ordinary skill in the art would have been motivated to make such modification in order to provide additional information to a recipient of the message that may not be apparent from a text or voice message as suggested by Wies (see lines 31-33 of page 1).

14. Referring to claim 6,7,13, and 14, Wies teaches extracting a haptic code from the input signal, the control signal being

Art Unit: 2181

based at least in part on the haptic code (see lines 25-35 of page 11) and correlating the haptic effect is with an expression of the graphical representation (see line 26 of page 12 to line 2 of page 13).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method and apparatus of Ballard with the above teachings of Wies for the same reasons as mentioned above.

15. Referring to claim 25, Wies teaches the actuator coupled to a handheld device (see item 14, figure 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method and apparatus of Ballard with the above teachings of Wies for the same reasons as mentioned above.

16. Referring to claim 26, Ballard teaches the handheld device comprises at least a PDA (see figure 1, and lines 21-42 of column 7).

17. Referring to claims 27 and 28, Ballard teaches a the handheld device comprises an LCD display screen (see lines 40-49 of column 1).

18. Claims 3,10, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of Kaaresoja as applied to claims 1,8, and 17 above and further in view of Austin-Lane et al. (U.S. Pub. No. 2004/0059790 hereinafter "Austin-Lane").

19. Referring to method claim 3, computer-readable medium claim 10, and apparatus claim 21, the combination of Brisebois and Kaaresoja teaches the method, computer-readable medium, and apparatus of claims 2,9, and 20 as shown above, however the combination fails to teach the status event includes at least one of an advertisement event, a business-transaction event, a one-to-one marketing event, a stock-trading event, a weather-forecast event, an entertainment event, a sports event, and an emergency event.

Austin-Lane teaches, in an analogous system, the status event comprising at least an advertisement event (see paragraph 33).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Brisebois and Kaaresoja with the above teachings of Austin-Lane. One of ordinary skill in the art would have

been motivated to make such modification in order to provide the user with a notification of important time-sensitive information as suggested by Austin-Lane (see paragraph 3).

20. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of Kaaresoja as applied to claim 17 and further in view of Wies.

21. Referring to claims 22 and 23, the combination of Brisebois teaches the apparatus of claim 17 as shown above, however the combination fails to teach the memory further stores a haptic lookup table associating a plurality of haptic codes each with a control signal the memory further stores program code to download the haptic lookup table from a remote source.

Wies teaches, in an analogous system, the above limitations (see paragraph bridging pages 14 and 15, note the library disclosed by Wies, which can be downloaded from a network server, is being construed as the applicant's claimed table).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Brisebois and Kaaresoja with the above teachings of Wies in order to give the user a greater range of events by

allowing for customization as suggested by Brisebois (see paragraph bridging pages 14 and 15).

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERON J. SORRELL whose telephone number is (571)272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on 571-272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. J. S./
Art Unit 2182

/Alford W. Kindred/
Supervisory Patent Examiner, Art Unit 2163